

Calendar No. 211

109TH CONGRESS
1ST SESSION

S. 360

[Report No. 109–137]

To amend the Coastal Zone Management Act.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2005

Ms. SNOWE (for herself, Mr. KERRY, Mr. SARBANES, Ms. CANTWELL, Mr. LEVIN, Mr. DEWINE, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 15, 2005

Reported by Mr. STEVENS, with an amendment

[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Coastal Zone Management Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coastal Zone Enhance-
5 ment Reauthorization Act of 2005”.

1 **SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT**
 2 **ACT.**

3 Except as otherwise expressly provided, whenever in
 4 this Act an amendment or repeal is expressed in terms
 5 of an amendment to, or repeal of, a section or other provi-
 6 sion, the reference shall be considered to be made to a
 7 section or other provision of the Coastal Zone Manage-
 8 ment Act of 1972 (16 U.S.C. 1451 et seq.).

9 **SEC. 3. FINDINGS.**

10 Section 302 (16 U.S.C. 1451) is amended—

11 (1) by redesignating paragraphs (a) through
 12 (m) as paragraphs (1) through (13);

13 (2) by inserting “ports,” in paragraph (3) (as
 14 so redesignated) after “fossil fuels,”;

15 (3) by inserting “including coastal waters and
 16 wetlands,” in paragraph (4) (as so redesignated)
 17 after “zone,”;

18 (4) by striking “therein,” in paragraph (4) (as
 19 so redesignated) and inserting “dependent on that
 20 habitat,”;

21 (5) by striking “well-being” in paragraph (5)
 22 (as so redesignated) and inserting “quality of life”;

23 (6) by striking paragraph (11) (as so redesign-
 24 ated) and inserting the following:

25 “(11) Land and water uses in the coastal zone
 26 and coastal watersheds may significantly affect the

1 quality of coastal waters and habitats; and efforts to
 2 control coastal water pollution from activities in
 3 these areas must be improved.”; and

4 (7) by adding at the end thereof the following:

5 “(14) There is a need to enhance cooperation
 6 and coordination among states and local commu-
 7 nities; to encourage local community-based solutions
 8 that address the impacts and pressures on coastal
 9 resources and on public facilities and public service
 10 caused by continued coastal demands; and to in-
 11 crease state and local capacity to identify public in-
 12 frastructure and open space needs and develop and
 13 implement plans which provide for sustainable
 14 growth; resource protection and community revital-
 15 ization.”.

16 **SEC. 4. POLICY.**

17 Section 303 (16 U.S.C. 1452) is amended—

18 (1) by striking “the states” in paragraph (2)
 19 and inserting “state and local governments”;

20 (2) by striking “waters,” each place it appears
 21 in paragraph (2)(C) and inserting “waters and habi-
 22 tats,”;

23 (3) by striking “agencies and state and wildlife
 24 agencies; and” in paragraph (2)(J) and inserting
 25 “and wildlife management; and”;

1 (4) by inserting “other countries,” after “agen-
2 cies,” in paragraph (5);

3 (5) by striking “and” at the end of paragraph
4 (5);

5 (6) by striking “zone.” in paragraph (6) and in-
6 serting “zone;”; and

7 (7) by adding at the end thereof the following:

8 “(7) to create and use a National Estuarine
9 Research Reserve System as a Federal, state, and
10 community partnership to support and enhance
11 coastal management and stewardship; and

12 “(8) to encourage the development, application,
13 and transfer of innovative coastal and estuarine en-
14 vironmental technologies and techniques for the
15 long-term conservation of coastal ecosystems.”.

16 **SEC. 5. CHANGES IN DEFINITIONS.**

17 Section 304 (16 U.S.C. 1453) is amended—

18 (1) by striking “and the Trust Territories of
19 the Pacific Islands,” in paragraph (4);

20 (2) by striking paragraph (8) and inserting the
21 following:

22 “(8) The term ‘estuarine reserve’ means a
23 coastal protected area which may include any part
24 or all of an estuary and any island, transitional area,
25 and upland in, adjoining, or adjacent to the estuary;

1 and which constitutes to the extent feasible a nat-
 2 ural unit, established to provide long-term opportu-
 3 nities for conducting scientific studies and edu-
 4 cational and training programs that improve the un-
 5 derstanding, stewardship, and management of estu-
 6 aries.”; and

7 (3) by adding at the end thereof the following:

8 “(19) The term ‘coastal nonpoint pollution con-
 9 trol strategies and measures’ means strategies and
 10 measures included as part of the coastal nonpoint
 11 pollution control program under section 6217 of the
 12 Coastal Zone Act Reauthorization Amendments of
 13 1990 (16 U.S.C. 1455b).

14 “(20) The term ‘qualified local entity’ means—

15 “(A) any local government;

16 “(B) any areawide agency referred to in
 17 section 204(a)(1) of the Demonstration Cities
 18 and Metropolitan Development Act of 1966 (42
 19 U.S.C. 3334 (a)(1));

20 “(C) any regional agency;

21 “(D) any interstate agency;

22 “(E) any nonprofit organization; or

23 “(F) any reserve established under section
 24 315.”.

1 **SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM**
 2 **DEVELOPMENT GRANTS.**

3 Section 305 (16 U.S.C. 1454) is amended to read as
 4 follows:

5 **“SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT**
 6 **GRANTS.**

7 “(a) STATES WITHOUT PROGRAMS.—In fiscal years
 8 2006 and 2007, the Secretary may make a grant annually
 9 to any coastal state without an approved program if the
 10 coastal state demonstrates to the satisfaction of the Sec-
 11 retary that the grant will be used to develop a manage-
 12 ment program consistent with the requirements set forth
 13 in section 306. The amount of any such grant shall not
 14 exceed \$200,000 in any fiscal year, and shall require State
 15 matching funds according to a 4-to-1 ratio of Federal-to-
 16 State contributions. After an initial grant is made to a
 17 coastal state under this subsection, no subsequent grant
 18 may be made to that coastal state under this subsection
 19 unless the Secretary finds that the coastal state is satis-
 20 factorily developing its management program. No coastal
 21 state is eligible to receive more than 4 grants under this
 22 subsection.

23 “(b) SUBMITTAL OF PROGRAM FOR APPROVAL.—A
 24 coastal state that has completed the development of its
 25 management program shall submit the program to the
 26 Secretary for review and approval under section 306.”

1 **SEC. 7. ADMINISTRATIVE GRANTS.**

2 (a) **PURPOSES.**—Section 306(a) (16 U.S.C. 1455(a))
 3 is amended by inserting “including developing and imple-
 4 menting coastal nonpoint pollution control program com-
 5 ponents,” after “program,”.

6 (b) **EQUITABLE ALLOCATION OF FUNDING.**—Section
 7 306(e) (16 U.S.C. 1455(e)) is amended by adding at the
 8 end thereof “In promoting equity, the Secretary shall con-
 9 sider the overall change in grant funding under this sec-
 10 tion from the preceding fiscal year and minimize the rel-
 11 ative increases or decreases among all the eligible States.
 12 The Secretary shall ensure that each eligible State receives
 13 increased funding under this section in any fiscal year for
 14 which the total amount appropriated to carry out this sec-
 15 tion is greater than the total amount appropriated to carry
 16 out this section for the preceding fiscal year.

17 (c) **ACQUISITION CRITERIA.**—Section 306(d)(10)(B)
 18 (16 U.S.C. 1455(d)(10)(B)) is amended by striking “less
 19 than fee simple” and inserting “other”.

20 **SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.**

21 Section 306A (16 U.S.C. 1455a) is amended—

22 (1) by inserting “or other important coastal
 23 habitats” in subsection (b)(1)(A) after “306(d)(9)”;

24 (2) by inserting “or historic” in subsection
 25 (b)(2) after “urban”;

1 (3) by adding at the end of subsection (b) the
2 following:

3 ~~“(5) The coordination and implementation of~~
4 ~~approved coastal nonpoint pollution control plans.~~

5 ~~“(6) The preservation, restoration, enhance-~~
6 ~~ment or creation of coastal habitats.”;~~

7 (4) by striking “and” after the semicolon in
8 subsection (c)(2)(D);

9 (5) by striking “section.” in subsection
10 (c)(2)(E) and inserting “section,”;

11 (6) by adding at the end of subsection (c)(2)
12 the following:

13 ~~“(F) work, resources, or technical support~~
14 ~~necessary to preserve, restore, enhance, or cre-~~
15 ~~ate coastal habitats; and~~

16 ~~“(G) the coordination and implementation~~
17 ~~of approved coastal nonpoint pollution control~~
18 ~~plans.”; and~~

19 (7) by striking subsections (d), (e), and (f) and
20 inserting after subsection (c) the following:

21 ~~“(d) SOURCE OF FEDERAL GRANTS; STATE MATCH-~~
22 ~~ING CONTRIBUTIONS.—~~

23 ~~“(1) IN GENERAL.—If a coastal state chooses~~
24 ~~to fund a project under this section, then—~~

1 “(A) it shall submit to the Secretary a
2 combined application for grants under this sec-
3 tion and section 306;

4 “(B) it shall match the combined amount
5 of such grants in the ratio required by section
6 306(a) for grants under that section; and

7 “(C) the Federal funding for the project
8 shall be a portion of that state’s annual alloca-
9 tion under section 306(a).

10 “(2) USE OF FUNDS.—Grants provided under
11 this section may be used to pay a coastal state’s
12 share of costs required under any other Federal pro-
13 gram that is consistent with the purposes of this
14 section.

15 “(e) ALLOCATION OF GRANTS TO QUALIFIED LOCAL
16 ENTITY.—With the approval of the Secretary, the eligible
17 coastal state may allocate to a qualified local entity a por-
18 tion of any grant made under this section for the purpose
19 of carrying out this section; except that such an allocation
20 shall not relieve that state of the responsibility for ensur-
21 ing that any funds so allocated are applied in furtherance
22 of the state’s approved management program.

23 “(f) ASSISTANCE.—The Secretary shall assist eligible
24 coastal states in identifying and obtaining from other Fed-

1 eral agencies technical and financial assistance in achiev-
 2 ing the objectives set forth in subsection (b).”.

3 **SEC. 9. COASTAL ZONE MANAGEMENT FUND.**

4 (a) TREATMENT OF LOAN REPAYMENTS.—Section
 5 308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as
 6 follows:

7 “(2) Loan repayments made under this sub-
 8 section—

9 “(A) shall be retained by the Secretary and
 10 deposited into the Coastal Zone Management
 11 Fund established under subsection (b); and

12 “(B) subject to amounts provided in Ap-
 13 propriations Acts, shall be available to the Sec-
 14 retary for purposes of this title and transferred
 15 to the Operations, Research, and Facilities ac-
 16 count of the National Oceanic and Atmospheric
 17 Administration to offset the costs of imple-
 18 menting this title.”.

19 (b) USE OF AMOUNTS IN FUND.—Section 308(b) (16
 20 U.S.C. 1456a(b)) is amended by striking paragraphs (2)
 21 and (3) and inserting the following:

22 “(2) Subject to Appropriation Acts, amounts in
 23 the Fund shall be available to the Secretary to carry
 24 out the provisions of this Act.”.

1 **SEC. 10. COASTAL ZONE ENHANCEMENT GRANTS.**

2 Section 309 (16 U.S.C. 1456b) is amended—

3 (1) by striking subsection (a)(1) and inserting
4 the following:

5 “(1) Protection, restoration, enhancement, or
6 creation of coastal habitats, including wetlands,
7 coral reefs, marshes, and barrier islands.”;

8 (2) by inserting “and removal” after “entry” in
9 subsection (a)(4);

10 (3) by striking “on various individual uses or
11 activities on resources, such as coastal wetlands and
12 fishery resources.” in subsection (a)(5) and inserting
13 “of various individual uses or activities on coastal
14 waters, habitats, and resources, including sources of
15 polluted runoff.”;

16 (4) by adding at the end of subsection (a) the
17 following:

18 “(10) Development and enhancement of coastal
19 nonpoint pollution control program components, in-
20 cluding the satisfaction of conditions placed on such
21 programs as part of the Secretary’s approval of the
22 programs.

23 “(11) Significant emerging coastal issues as
24 identified by coastal states, in consultation with the
25 Secretary and qualified local entities.”;

1 (5) by striking “proposals, taking into account
2 the criteria established by the Secretary under sub-
3 section (d).” in subsection (e) and inserting “pro-
4 posals.”;

5 (6) by striking subsection (d) and redesignating
6 subsection (e) as subsection (d);

7 (7) by striking “section, up to a maximum of
8 \$10,000,000 annually” in subsection (f) and insert-
9 ing “section.”; and

10 (8) by redesignating subsections (f) and (g) as
11 subsections (e) and (f), respectively.

12 **SEC. 11. COASTAL COMMUNITY PROGRAM.**

13 The Act is amended by inserting after section 309
14 the following:

15 **“SEC. 309A. COASTAL COMMUNITY PROGRAM.**

16 “(a) COASTAL COMMUNITY GRANTS.—The Secretary
17 may make grants to any coastal state that is eligible under
18 subsection (b)—

19 “(1) to assist coastal communities in assessing
20 and managing growth, public infrastructure, and
21 open space needs in order to provide for sustainable
22 growth, resource protection and community revital-
23 ization;

24 “(2) to provide management-oriented research
25 and technical assistance in developing and imple-

1 menting community-based growth management and
 2 resource protection strategies in qualified local enti-
 3 ties;

4 “(3) to fund demonstration projects which have
 5 high potential for improving coastal zone manage-
 6 ment at the local level;

7 “(4) to assist in the adoption of plans, strate-
 8 gies, policies, or procedures to support local commu-
 9 nity-based environmentally-protective solutions to
 10 the impacts and pressures on coastal uses and re-
 11 sources caused by development and sprawl that
 12 will—

13 “(A) revitalize previously developed areas;

14 “(B) undertake conservation activities and
 15 projects in undeveloped and environmentally
 16 sensitive areas;

17 “(C) emphasize water-dependent uses; and

18 “(D) protect coastal waters and habitats;

19 and

20 “(5) to assist coastal communities to coordinate
 21 and implement approved coastal nonpoint pollution
 22 control strategies and measures that reduce the
 23 causes and impacts of polluted runoff on coastal wa-
 24 ters and habitats.”.

1 “(b) ELIGIBILITY.—To be eligible for a grant under
2 this section for a fiscal year, a coastal state shall—

3 “(1) have a management program approved
4 under section 306; and

5 “(2) in the judgment of the Secretary, be mak-
6 ing satisfactory progress in activities designed to re-
7 sult in significant improvement in achieving the
8 coastal management objectives specified in section
9 303(2)(A) through (K).

10 “(c) ALLOCATIONS; SOURCE OF FEDERAL GRANTS;
11 STATE MATCHING CONTRIBUTIONS.—

12 “(1) ALLOCATION.—Grants under this section
13 shall be allocated to coastal states as provided in
14 section 306(e).

15 “(2) APPLICATION; MATCHING.—If a coastal
16 state chooses to fund a project under this section,
17 then—

18 “(A) it shall submit to the Secretary a
19 combined application for grants under this sec-
20 tion and section 306; and

21 “(B) it shall match the amount of the
22 grant under this section on the basis of a total
23 contribution of section 306, 306A, and this sec-
24 tion so that, in aggregate, the match is 1:1.

1 “(d) ALLOCATION OF GRANTS TO QUALIFIED LOCAL
2 ENTITY.—

3 “(1) IN GENERAL.—With the approval of the
4 Secretary, the eligible coastal state may allocate to
5 a qualified local entity amounts received by the state
6 under this section.

7 “(2) ASSURANCES.—A coastal state shall en-
8 sure that amounts allocated by the state under para-
9 graph (1) are used by the qualified local entity in
10 furtherance of the state’s approved management
11 program, specifically furtherance of the coastal man-
12 agement objectives specified in section 303(2).

13 “(e) ASSISTANCE.—The Secretary shall assist eligible
14 coastal states and qualified local entities in identifying and
15 obtaining from other Federal agencies technical and finan-
16 cial assistance in achieving the objectives set forth in sub-
17 section (a).”.

18 **SEC. 12. TECHNICAL ASSISTANCE.**

19 Section 310(b) (16 U.S.C. 1456c(b)) is amended by
20 adding at the end thereof the following:

21 “(4) The Secretary may conduct a program to
22 develop and apply innovative coastal and estuarine
23 environmental technology and methodology through
24 a cooperative program. The Secretary may make ex-

1 tramural grants in carrying out the purpose of this
2 subsection.”.

3 **SEC. 13. PERFORMANCE REVIEW.**

4 Section 312(a) (16 U.S.C. 1458(a)) is amended by
5 inserting “coordinated with National Estuarine Research
6 Reserves in the state” after “303(2)(A) through (K),”.

7 **SEC. 14. WALTER B. JONES AWARDS.**

8 Section 314 (16 U.S.C. 1460) is amended—

9 (1) by striking “shall, using sums in the Coast-
10 al Zone Management Fund established under section
11 308” in subsection (a) and inserting “may, using
12 sums available under this Act”;

13 (2) by striking “field.” in subsection (a) and in-
14 serting the following: “field of coastal zone manage-
15 ment. These awards, to be known as the ‘Walter B.
16 Jones Awards’, may include—

17 “(1) cash awards in an amount not to exceed
18 \$5,000 each;

19 “(2) research grants; and

20 “(3) public ceremonies to acknowledge such
21 awards.”;

22 (3) by striking “shall elect annually—” in sub-
23 section (b) and inserting “may select annually if
24 funds are available under subsection (a)—”; and

25 (4) by striking subsection (c).

1 **SEC. 15. NATIONAL ESTUARINE RESEARCH RESERVE SYS-**
 2 **TEM.**

3 (a) Section 315(a) (16 U.S.C. 1461(a)) is amended
 4 by striking “consists of—” and inserting “is a network
 5 of areas protected by Federal, state, and community part-
 6 nerships which promotes informed management of the Na-
 7 tion’s estuarine and coastal areas through interconnected
 8 programs in resource stewardship, education and training,
 9 and scientific understanding consisting of—”.

10 (b) Section 315(b)(2)(C) (16 U.S.C. 1461(b)(2)(C))
 11 is amended by striking “public education and interpreta-
 12 tion; and”; and inserting “education, interpretation, train-
 13 ing, and demonstration projects; and”.

14 (c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

15 (1) by striking “RESEARCH” in the subsection
 16 caption and inserting “RESEARCH, EDUCATION, AND
 17 RESOURCE STEWARDSHIP”;

18 (2) by striking “conduct of research” and in-
 19 serting “conduct of research, education, and re-
 20 source stewardship”;

21 (3) by striking “coordinated research” in para-
 22 graph (1)) and inserting “coordinated research, edu-
 23 cation, and resource stewardship”;

24 (4) by striking “research” before “principles”
 25 in paragraph (2);

1 (5) by striking “research programs” in para-
 2 graph (2) and inserting “research, education, and
 3 resource stewardship programs”;

4 (6) by striking “research” before “methodolo-
 5 gies” in paragraph (3);

6 (7) by striking “data,” in paragraph (3) and in-
 7 serting “information,”;

8 (8) by striking “research” before “results” in
 9 paragraph (3);

10 (9) by striking “research purposes,” in para-
 11 graph (3) and inserting “research, education, and
 12 resource stewardship purposes,”;

13 (10) by striking “research efforts” in para-
 14 graph (4) and inserting “research, education, and
 15 resource stewardship efforts”;

16 (11) by striking “research” in paragraph (5)
 17 and inserting “research, education, and resource
 18 stewardship”; and

19 (12) by striking “research” in the last sentence.

20 (d) Section 315(d) (16 U.S.C. 1461(d)) is amend-
 21 ed—

22 (1) by striking “ESTUARINE RESEARCH.—” in
 23 the subsection caption and inserting “ESTUARINE
 24 RESEARCH, EDUCATION, AND RESOURCE STEWARD-
 25 SHIP.—”;

1 (2) by striking “research purposes” and insert-
 2 ing “research, education, and resource stewardship
 3 purposes”;

4 (3) by striking paragraph (1) and inserting the
 5 following:

6 “(1) giving reasonable priority to research, edu-
 7 cation, and stewardship activities that use the Sys-
 8 tem in conducting or supporting activities relating to
 9 estuaries; and”;

10 (4) by striking “research.” in paragraph (2)
 11 and inserting “research, education, and resource
 12 stewardship activities.”; and

13 (5) by adding at the end thereof the following:

14 “(3) establishing partnerships with other Fed-
 15 eral and state estuarine management programs to
 16 coordinate and collaborate on estuarine research.”.

17 (e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

18 (1) by striking “reserve,” in paragraph
 19 (1)(A)(i) and inserting “reserve; and”;

20 (2) by striking “and constructing appropriate
 21 reserve facilities; or” in paragraph (1)(A)(ii) and in-
 22 serting “including resource stewardship activities
 23 and constructing reserve facilities; and”;

24 (3) by striking paragraph (1)(A)(iii);

(4) by striking paragraph (1)(B) and inserting the following:

“(B) to any coastal state or public or private person for purposes of—

“(i) supporting research and monitoring associated with a national estuarine reserve that are consistent with the research guidelines developed under subsection (e); or

“(ii) conducting educational, interpretive, or training activities for a national estuarine reserve that are consistent with the education guidelines developed under subsection (e).”;

(5) by striking “therein or \$5,000,000, whichever amount is less.” in paragraph (3)(A) and inserting “therein. Non-Federal costs associated with the purchase of any lands and waters, or interests therein, which are incorporated into the boundaries of a reserve up to 5 years after the costs are incurred, may be used to match the Federal share.”;

(6) by striking “and (iii)” in paragraph (3)(B);

(7) by striking “paragraph (1)(A)(iii)” in paragraph (3)(B) and inserting “paragraph (1)(B)”;

1 (8) by striking “entire System.” in paragraph
2 (3)(B) and inserting “System as a whole.”; and

3 (9) by adding at the end thereof the following:
4 “(4) The Secretary may—

5 “(A) enter into cooperative agreements, fi-
6 nancial agreements, grants, contracts, or other
7 agreements with any nonprofit organization, au-
8 thorizing the organization to solicit donations to
9 carry out the purposes and policies of this sec-
10 tion, other than general administration of re-
11 serves or the System and which are consistent
12 with the purposes and policies of this section;
13 and

14 “(B) accept donations of funds and serv-
15 ices for use in carrying out the purposes and
16 policies of this section, other than general ad-
17 ministration of reserves or the System and
18 which are consistent with the purposes and poli-
19 cies of this section.

20 Donations accepted under this section shall be con-
21 sidered as a gift or bequest to or for the use of the
22 United States for the purpose of carrying out this
23 section.”.

24 (f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is
25 amended by inserting “coordination with other state pro-

1 grams established under sections 306 and 309A,” after
 2 “including”.

3 **SEC. 16. COASTAL ZONE MANAGEMENT REPORTS.**

4 Section 316 (16 U.S.C. 1462) is amended—

5 (1) by striking “to the President for trans-
 6 mittal” in subsection (a);

7 (2) by striking “zone and an evaluation of the
 8 effectiveness of financial assistance under section
 9 308 in dealing with such consequences,” and insert-
 10 ing “zone,” in the provision designated as (10) in
 11 subsection (a);

12 (3) by inserting “education,” after the “stud-
 13 ies,” in the provision designated as (12) in sub-
 14 section (a);

15 (4) by striking “Secretary” in the first sentence
 16 of subsection (c)(1) and inserting “Secretary, in con-
 17 sultation with coastal states, and with the participa-
 18 tion of affected Federal agencies,”;

19 (5) by striking the second sentence of sub-
 20 section (c)(1) and inserting the following: “The Sec-
 21 retary, in conducting such a review, shall coordinate
 22 with, and obtain the views of, appropriate Federal
 23 agencies.”;

24 (6) by striking “shall promptly” in subsection
 25 (c)(2) and inserting “shall, within 4 years after the

1 date of enactment of the Coastal Zone Enhancement
2 Reauthorization Act of 2005,”; and

3 ~~(7)~~ by adding at the end of subsection (e)(2)
4 the following: “If sufficient funds and resources are
5 not available to conduct such a review, the Secretary
6 shall so notify the Congress.”.

7 **SEC. 17. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 318 (16 U.S.C. 1464) is amended—

9 ~~(1)~~ by striking paragraphs (1) and (2) of sub-
10 section (a) and inserting the following:

11 ~~“(1) for grants under sections 306, 306A, and~~
12 ~~309—~~

13 ~~“(A) \$90,500,000 for fiscal year 2006;~~

14 ~~“(B) \$94,000,000 for fiscal year 2007;~~

15 ~~“(C) \$98,000,000 for fiscal year 2008;~~

16 ~~“(D) \$102,000,000 for fiscal year 2009;~~

17 and

18 ~~“(E) \$106,000,000 for fiscal year 2010.~~

19 ~~“(2) for grants under section 309A—~~

20 ~~“(A) \$29,000,000 for fiscal year 2006;~~

21 ~~“(B) \$30,000,000 for fiscal year 2007;~~

22 ~~“(C) \$31,000,000 for fiscal year 2008;~~

23 ~~“(D) \$32,000,000 for fiscal year 2009;~~

24 and

25 ~~“(E) \$32,000,000 for fiscal year 2010.~~

of which \$10,000,000, or 35 percent, whichever is less, shall be for purposes set forth in section 309A(a)(5);

“(3) for grants under section 315—

“(A) \$18,000,000 for fiscal year 2006;

“(B) \$19,000,000 for fiscal year 2007;

“(C) \$20,000,000 for fiscal year 2008;

“(D) \$21,000,000 for fiscal year 2009;

and

“(E) \$22,000,000 for fiscal year 2010.

“(4) for grants to fund construction projects at estuarine reserves designated under section 315, \$15,000,000 for each of fiscal years 2006, 2007, 2008, 2009, and 2010; and

“(5) for costs associated with administering this title, \$7,000,000 for fiscal year 2006 and such sums as are necessary for fiscal years 2007–2010.”;

(2) by striking “306 or 309.” in subsection (b) and inserting “306.”;

(3) by striking “during the fiscal year, or during the second fiscal year after the fiscal year, for which” in subsection (c) and inserting “within 3 years from when”;

(4) by striking “under the section for such reverted amount was originally made available.” in

1 subsection (c) and inserting “to states under this
2 Act.”; and

3 (5) by adding at the end thereof the following:

4 “(d) PURCHASE OF OTHERWISE UNAVAILABLE FED-
5 ERAL PRODUCTS AND SERVICES.—Federal funds allo-
6 cated under this title may be used by grantees to purchase
7 Federal products and services not otherwise available.

8 “(e) RESTRICTION ON USE OF AMOUNTS FOR PRO-
9 GRAM, ADMINISTRATIVE, OR OVERHEAD COSTS.—Except
10 for funds appropriated under subsection (a)(5), amounts
11 appropriated under this section shall be available only for
12 grants to states and shall not be available for other pro-
13 gram, administrative, or overhead costs of the National
14 Oceanic and Atmospheric Administration or the Depart-
15 ment of Commerce.”.

16 **SEC. 18. SENSE OF CONGRESS.**

17 It is the sense of Congress that the Undersecretary
18 for Oceans and Atmosphere should re-evaluate the calcula-
19 tion of shoreline mileage used in the distribution of fund-
20 ing under the Coastal Zone Management Program to en-
21 sure equitable treatment of all regions of the coastal zone,
22 including the Southeastern States and the Great Lakes
23 States.

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*
 3 *“Coastal Zone Enhancement Reauthorization Act of 2005”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 5 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Amendment of Coastal Zone Management Act of 1972.

Sec. 3. Findings.

Sec. 4. Policy.

Sec. 5. Changes in definitions.

Sec. 6. Reauthorization of management program development grants.

Sec. 7. Administrative grants.

Sec. 8. Coastal resource improvement program.

Sec. 9. Certain Federal agency activities.

Sec. 10. Coastal zone management fund.

Sec. 11. Coastal zone enhancement grants.

Sec. 12. Coastal community program.

Sec. 13. Technical assistance; resources assessments; information systems.

Sec. 14. Performance review.

Sec. 15. Walter B. Jones awards.

Sec. 16. National Estuarine Research Reserve System.

Sec. 17. Coastal zone management reports.

Sec. 18. Authorization of appropriations.

Sec. 19. Deadline for decision on appeals of consistency determination.

Sec. 20. Coordination with Federal Energy Regulatory Commission.

6 **SEC. 2. AMENDMENT OF COASTAL ZONE MANAGEMENT ACT**
 7 **OF 1972.**

8 *Except as otherwise expressly provided, whenever in*
 9 *this Act an amendment or repeal is expressed in terms of*
 10 *an amendment to, or repeal of, a section or other provision,*
 11 *the reference shall be considered to be made to a section or*
 12 *other provision of the Coastal Zone Management Act of*
 13 *1972 (16 U.S.C. 1451 et seq.).*

14 **SEC. 3. FINDINGS.**

15 *Section 302 (16 U.S.C. 1451) is amended—*

1 (1) by redesignating paragraphs (a) through (m)
2 as paragraphs (1) through (13);

3 (2) by inserting “ports,” in paragraph (3) (as so
4 redesignated) after “fossil fuels,”;

5 (3) by inserting “including coastal waters and
6 wetlands,” in paragraph (4) (as so redesignated) after
7 “zone,”;

8 (4) by striking “therein,” in paragraph (4) (as
9 so redesignated) and inserting “dependent on that
10 habitat,”;

11 (5) by striking “well-being” in paragraph (5) (as
12 so redesignated) and inserting “quality of life”;

13 (6) by inserting “integrated plans and strate-
14 gies,” after “including” in paragraph (9) (as so re-
15 designated);

16 (7) by striking paragraph (11) (as so redesign-
17 ated) and inserting the following:

18 “(11) Land and water uses in the coastal zone
19 and coastal watersheds may significantly affect the
20 quality of coastal waters and habitats, and efforts to
21 control coastal water pollution from activities in these
22 areas must be improved.”; and

23 (8) by adding at the end thereof the following:

24 “(14) There is a need to enhance cooperation and
25 coordination among states and local communities, to

1 *encourage local community-based solutions that ad-*
 2 *dress the impacts and pressures on coastal resources*
 3 *and on public facilities and public service caused by*
 4 *continued coastal demands, and to increase state and*
 5 *local capacity to identify public infrastructure and*
 6 *open space needs and develop and implement plans*
 7 *which provide for sustainable growth, resource protec-*
 8 *tion and community revitalization.*

9 *“(15) The establishment of a national system of*
 10 *estuarine research reserves will provide for protection*
 11 *of essential estuarine resources, as well as for a net-*
 12 *work of State-based reserves that will serve as sites for*
 13 *coastal stewardship best-practices, monitoring, re-*
 14 *search, education, and training to improve coastal*
 15 *management and to help translate science and inform*
 16 *coastal decisionmakers and the public.”.*

17 **SEC. 4. POLICY.**

18 *Section 303 (16 U.S.C. 1452) is amended—*

19 *(1) by striking “the states” in paragraph (2)*
 20 *and inserting “state and local governments”;*

21 *(2) by striking “programs” the first place it ap-*
 22 *pears in paragraph (2) and inserting “programs,*
 23 *plans, and strategies”;*

1 (3) by striking “waters,” each place it appears
 2 in paragraph (2)(C) and inserting “waters and habi-
 3 tats,”;

4 (4) by striking “agencies and state and wildlife
 5 agencies; and” in paragraph (2)(J) and inserting
 6 “and wildlife management, and”;

7 (5) by striking “specificity” in paragraph (3)
 8 and inserting “specificity, cooperation, coordination,
 9 and effectiveness”;

10 (6) by inserting “other countries,” after “agen-
 11 cies,” in paragraph (5);

12 (7) by striking “and” at the end of paragraph
 13 (5);

14 (8) by striking “zone.” in paragraph (6) and in-
 15 serting “zone;”; and

16 (9) by adding at the end thereof the following:

17 “(7) to create and use a National Estuarine Re-
 18 search Reserve System as a Federal, state, and com-
 19 munity partnership to support and enhance coastal
 20 management and stewardship through State-based
 21 conservation, monitoring, research, education, out-
 22 reach, and training; and

23 “(8) to encourage the development, application,
 24 training, technical assistance, and transfer of innova-
 25 tive coastal management practices and coastal and es-

1 *tuarine environmental technologies and techniques to*
 2 *improve understanding and management decision-*
 3 *making for the long-term conservation of coastal eco-*
 4 *systems.”.*

5 **SEC. 5. CHANGES IN DEFINITIONS.**

6 *Section 304 (16 U.S.C. 1453) is amended—*

7 *(1) by striking “and the Trust Territories of the*
 8 *Pacific Islands,” in paragraph (4);*

9 *(2) in paragraph (6)(B)—*

10 *(A) by inserting “(ix) use or reuse of facili-*
 11 *ties authorized under the Outer Continental*
 12 *Shelf Lands Act (43 U.S.C. 1331 et seq.) for en-*
 13 *ergy-related purposes or other authorized marine*
 14 *related purposes;” after “transmission facili-*
 15 *ties;”; and*

16 *(B) by striking “and (ix)” and inserting*
 17 *“and (x);*

18 *(3) by striking paragraph (8) and inserting the*
 19 *following:*

20 *“(8) The terms ‘estuarine reserve’ and ‘estuarine*
 21 *research reserve’ mean a coastal protected area that—*

22 *“(A) may include any part or all of an es-*
 23 *tuary and any island, transitional area, and up-*
 24 *land in, adjoining, or adjacent to the estuary;*

1 “(B) constitutes to the extent feasible a nat-
2 ural unit; and

3 “(C) is established to provide long-term op-
4 portunities for conducting scientific studies and
5 monitoring and educational and training pro-
6 grams that improve the understanding, steward-
7 ship, and management of estuaries and improve
8 coastal decisionmaking.”;

9 (4) by inserting “plans, strategies,” after “poli-
10 cies,” in paragraph (12);

11 (5) in paragraph (13)—

12 (A) by inserting “or alternative energy
13 sources on or” after “natural gas”;

14 (B) by striking “new or expanded” and in-
15 serting “new, reused, or expanded”; and

16 (C) by striking “or production.” and insert-
17 ing “production, or other energy related pur-
18 poses.”;

19 (6) by striking “policies; standards” in para-
20 graph (17) and inserting “policies, standards, incen-
21 tives, guidelines,”; and

22 (7) by adding at the end the following:

23 “(19) The term ‘coastal nonpoint pollution con-
24 trol strategies and measures’ means strategies and
25 measures included as part of the coastal nonpoint pol-

1 *lution control program under section 6217 of the*
 2 *Coastal Zone Act Reauthorization Amendments of*
 3 *1990 (16 U.S.C. 1455b).*

4 “(20) *The term ‘qualified local entity’ means—*

5 “(A) *any local government;*

6 “(B) *any areawide agency referred to in*
 7 *section 204(a)(1) of the Demonstration Cities*
 8 *and Metropolitan Development Act of 1966 (42*
 9 *U.S.C. 3334 (a)(1));*

10 “(C) *any regional agency;*

11 “(D) *any interstate agency;*

12 “(E) *any nonprofit organization; or*

13 “(F) *any reserve established under section*
 14 *315.”.*

15 **SEC. 6. REAUTHORIZATION OF MANAGEMENT PROGRAM DE-**
 16 **VELOPMENT GRANTS.**

17 *Section 305 (16 U.S.C. 1454) is amended to read as*
 18 *follows:*

19 **“SEC. 305. MANAGEMENT PROGRAM DEVELOPMENT**
 20 **GRANTS.**

21 “(a) *STATES WITHOUT PROGRAMS.—In fiscal years*
 22 *2006 and 2007, the Secretary may make a grant annually*
 23 *to any coastal state without an approved program if the*
 24 *coastal state demonstrates to the satisfaction of the Sec-*
 25 *retary that the grant will be used to develop a management*

1 program consistent with the requirements set forth in sec-
 2 tion 306. The amount of any such grant shall not exceed
 3 \$200,000 in any fiscal year, and shall require State match-
 4 ing funds according to a 4-to-1 ratio of Federal-to-State
 5 contributions. After an initial grant is made to a coastal
 6 state under this subsection, no subsequent grant may be
 7 made to that coastal state under this subsection unless the
 8 Secretary finds that the coastal state is satisfactorily devel-
 9 oping its management program. No coastal state is eligible
 10 to receive more than 4 grants under this subsection.

11 “(b) *SUBMITTAL OF PROGRAM FOR APPROVAL.*—A
 12 coastal state that has completed the development of its man-
 13 agement program shall submit the program to the Secretary
 14 for review and approval under section 306.”.

15 **SEC. 7. ADMINISTRATIVE GRANTS.**

16 (a) *PURPOSES.*—Section 306(a) (16 U.S.C. 1455(a))
 17 is amended by striking “administering that State’s man-
 18 agement program,” and inserting “administering and im-
 19 plementing that State’s management program and any
 20 plans, projects, or activities developed pursuant to such pro-
 21 gram, including developing and implementing applicable
 22 coastal nonpoint pollution control program components,”.

23 (b) *EQUITABLE ALLOCATION OF FUNDING.*—Section
 24 306(c) (16 U.S.C. 1455(c)) is amended by adding at the
 25 end thereof “In promoting equity, the Secretary shall con-

1 *sider the overall change in grant funding under this section*
 2 *from the preceding fiscal year and minimize the relative*
 3 *increases or decreases among all the eligible States. To the*
 4 *extent practicable, the Secretary shall ensure that each eligi-*
 5 *ble State receives increased funding under this section in*
 6 *any fiscal year for which the total amount appropriated*
 7 *to carry out this section is greater than the total amount*
 8 *appropriated to carry out this section for the preceding fis-*
 9 *cal year.*

10 *(c) ACQUISITION CRITERIA.—Section 306(d)(10)(B)*
 11 *(16 U.S.C. 1455(d)(10)(B)) is amended by striking “less*
 12 *than fee simple” and inserting “other”.*

13 *(d) CONFORMING AMENDMENT.—Section*
 14 *306(d)(13)(B) (16 U.S.C. 1455(d)(13)(B)) is amended by*
 15 *inserting “policies, plans, strategies,” after “specific”.*

16 **SEC. 8. COASTAL RESOURCE IMPROVEMENT PROGRAM.**

17 *Section 306A (16 U.S.C. 1455a) is amended—*

18 *(1) by inserting “or other important coastal*
 19 *habitats” in subsection (b)(1)(A) after “306(d)(9)”;*

20 *(2) by inserting “or historic” in subsection (b)(2)*
 21 *after “urban”;*

22 *(3) by adding at the end of subsection (b) the fol-*
 23 *lowing:*

1 “(5) *The coordination and implementation of*
 2 *approved coastal nonpoint pollution control plans,*
 3 *strategies, and measures.*

4 “(6) *The preservation, restoration, enhancement*
 5 *or creation of coastal habitats.”;*

6 (4) *by inserting “planning,” before “engineer-*
 7 *ing” in subsection (c)(2)(D);*

8 (5) *by striking “and” after the semicolon in sub-*
 9 *section (c)(2)(D);*

10 (6) *by striking “section.” in subsection (c)(2)(E)*
 11 *and inserting “section;”;*

12 (7) *by adding at the end of subsection (c)(2) the*
 13 *following:*

14 “(F) *work, resources, or technical support*
 15 *necessary to preserve, restore, enhance, or create*
 16 *coastal habitats; and*

17 “(G) *the coordination and implementation*
 18 *of approved coastal nonpoint pollution control*
 19 *plans, strategies, measures.”; and*

20 (8) *by striking subsections (d), (e), and (f) and*
 21 *inserting after subsection (c) the following:*

22 “(d) *SOURCE OF FEDERAL GRANTS; STATE MATCHING*
 23 *CONTRIBUTIONS.—*

24 “(1) *IN GENERAL.—If a coastal state chooses to*
 25 *fund a project under this section, then—*

1 “(A) it shall submit to the Secretary a com-
 2 bined application for grants under this section
 3 and section 306;

4 “(B) it shall match the combined amount of
 5 such grants in the ratio required by section
 6 306(a) for grants under that section; and

7 “(C) the Federal funding for the project
 8 shall be a portion of that state’s annual alloca-
 9 tion under section 306(a).

10 “(2) *USE OF FUNDS.*—Grants provided under
 11 this section may be used to pay a coastal state’s share
 12 of costs required under any other Federal program
 13 that is consistent with the purposes of this section.

14 “(e) *ALLOCATION OF GRANTS TO QUALIFIED LOCAL*
 15 *ENTITY.*—With the approval of the Secretary, the eligible
 16 coastal state may allocate to a qualified local entity a por-
 17 tion of any grant made under this section for the purpose
 18 of carrying out this section; except that such an allocation
 19 shall not relieve that state of the responsibility for ensuring
 20 that any funds so allocated are applied in furtherance of
 21 the state’s approved management program and consistent
 22 with the policies of this Act.

23 “(f) *ASSISTANCE.*—The Secretary shall assist eligible
 24 coastal states in identifying and obtaining from other Fed-

1 *eral agencies technical and financial assistance in achiev-*
 2 *ing the objectives set forth in subsection (b).”.*

3 **SEC. 9. CERTAIN FEDERAL AGENCY ACTIVITIES.**

4 *Section 307(c)(1) (16 U.S.C. 1456(c)(1)) is amended*
 5 *by adding at the end the following:*

6 *“(D) The provisions of paragraph (1)(A),*
 7 *and implementing regulations thereunder, with*
 8 *respect to a Federal agency activity inland of the*
 9 *coastal zone of the State of Alaska, apply only*
 10 *if the activity directly and significantly affects a*
 11 *land or water use or a natural resource of the*
 12 *Alaskan coastal zone.”.*

13 **SEC. 10. COASTAL ZONE MANAGEMENT FUND.**

14 *(a) TREATMENT OF LOAN REPAYMENTS.—Section*
 15 *308(a)(2) (16 U.S.C. 1456a(a)(2)) is amended to read as*
 16 *follows:*

17 *“(2) Loan repayments made under this sub-*
 18 *section shall be retained by the Secretary and depos-*
 19 *ited into the Coastal Zone Management Fund estab-*
 20 *lished under subsection (b) and shall be made avail-*
 21 *able to the States for grants as under subsection*
 22 *(b)(2).”.*

23 *(b) USE OF AMOUNTS IN FUND.—Section 308(b) (16*
 24 *U.S.C. 1456a(b)) is amended by striking paragraphs (2)*
 25 *and (3) and inserting the following:*

1 “(2) *Subject to appropriation Acts, amounts in*
 2 *the Fund shall be available to the Secretary to make*
 3 *grants to the States for—*

4 “(A) *projects to address coastal and ocean*
 5 *management issues which are regional in scope,*
 6 *including intrastate and interstate projects; and*

7 “(B) *projects that have high potential for*
 8 *improving coastal zone and watershed manage-*
 9 *ment.*

10 “(3) *Projects funded under this subsection shall*
 11 *apply an integrated, watershed-based management*
 12 *approach and advance the purpose of this Act to pre-*
 13 *serve, protect, develop, and where possible, to restore*
 14 *or enhance, the resources of the Nation’s coastal zone*
 15 *for this and succeeding generations.”.*

16 **SEC. 11. COASTAL ZONE ENHANCEMENT GRANTS.**

17 *Section 309 (16 U.S.C. 1456b) is amended—*

18 *(1) by striking subsection (a)(1) and inserting*
 19 *the following:*

20 “(1) *Protection, restoration, enhancement, or cre-*
 21 *ation of coastal habitats, including wetlands, coral*
 22 *reefs, marshes, and barrier islands.”;*

23 *(2) by inserting “and removal” after “entry” in*
 24 *subsection (a)(4);*

1 (3) by striking “on various individual uses or
 2 activities on resources, such as coastal wetlands and
 3 fishery resources.” in subsection (a)(5) and inserting
 4 “of various individual uses or activities on coastal
 5 waters, habitats, and resources, including sources of
 6 polluted runoff.”;

7 (4) by adding at the end of subsection (a) the fol-
 8 lowing:

9 “(10) Development and enhancement of coastal
 10 nonpoint pollution control program components,
 11 strategies, and measures, including the satisfaction of
 12 conditions placed on such programs as part of the
 13 Secretary’s approval of the programs.

14 “(11) Significant emerging coastal issues as
 15 identified by coastal states, in consultation with the
 16 Secretary and qualified local entities.”;

17 (5) by striking “changes” in subsection (b)(2)(A)
 18 and inserting “changes, or for projects that dem-
 19 onstrate significant potential for improving ocean re-
 20 source management or integrated coastal and water-
 21 shed management at the local, state, or regional
 22 level,”;

23 (6) by striking “proposals, taking into account
 24 the criteria established by the Secretary under sub-

1 *section (d).” in subsection (c) and inserting “pro-*
 2 *posals.”;*

3 *(7) by striking subsection (d) and redesignating*
 4 *subsections (e), (f), and (g) as subsections (d), (e), and*
 5 *(f), respectively; and*

6 *(8) by striking “in implementing this section, up*
 7 *to a maximum of \$10,000,000 annually.” in sub-*
 8 *section (e), as redesignated, and inserting “for grants*
 9 *to the States.”.*

10 ***SEC. 12. COASTAL COMMUNITY PROGRAM.***

11 *The Act is amended by inserting after section 309 the*
 12 *following:*

13 ***“SEC. 309A. COASTAL COMMUNITY PROGRAM.***

14 *“(a) COASTAL COMMUNITY GRANTS.—The Secretary*
 15 *may make grants to any coastal state that is eligible under*
 16 *subsection (b)—*

17 *“(1) to assist coastal communities in assessing*
 18 *and managing growth, public infrastructure, and*
 19 *open space needs in order to provide for sustainable*
 20 *growth, resource protection and community revital-*
 21 *ization;*

22 *“(2) to provide management-oriented research*
 23 *and technical assistance in developing and imple-*
 24 *menting community-based growth management and*
 25 *resource protection strategies in qualified local enti-*

1 *ties as long as such strategies are consistent with the*
 2 *policies of this Act;*

3 *“(3) to fund demonstration projects which have*
 4 *high potential for improving coastal zone manage-*
 5 *ment at the local level;*

6 *“(4) to assist in the adoption of plans, strategies,*
 7 *policies, or procedures to support local community-*
 8 *based environmentally-protective solutions to the im-*
 9 *pacts and pressures on coastal uses and resources*
 10 *caused by development and sprawl that will—*

11 *“(A) revitalize previously developed areas;*

12 *“(B) undertake conservation activities and*
 13 *projects in undeveloped and environmentally*
 14 *sensitive areas;*

15 *“(C) emphasize water-dependent uses; and*

16 *“(D) protect coastal waters and habitats;*

17 *and*

18 *“(5) to assist coastal communities to coordinate*
 19 *and implement approved coastal nonpoint pollution*
 20 *control strategies and measures that reduce the causes*
 21 *and impacts of polluted runoff on coastal waters and*
 22 *habitats.”.*

23 *“(b) ELIGIBILITY.—To be eligible for a grant under*
 24 *this section for a fiscal year, a coastal state shall—*

1 “(1) have a management program approved
2 under section 306; and

3 “(2) in the judgment of the Secretary, be making
4 satisfactory progress in activities designed to result in
5 significant improvement in achieving the coastal
6 management objectives specified in subparagraphs (A)
7 through (K) of section 303(2).

8 “(c) *ALLOCATIONS; SOURCE OF FEDERAL GRANTS;*
9 *STATE MATCHING CONTRIBUTIONS.*—

10 “(1) *ALLOCATION.*—Grants under this section
11 shall be allocated to coastal states as provided in sec-
12 tion 306(c).

13 “(2) *APPLICATION; MATCHING.*—If a coastal state
14 chooses to fund a project under this section, then—

15 “(A) it shall submit to the Secretary a com-
16 bined application for grants under this section
17 and section 306; and

18 “(B) it shall match the amount of the grant
19 under this section on the basis of a total con-
20 tribution of section 306, 306A, and this section
21 so that, in aggregate, the match is 1:1.

22 “(d) *ALLOCATION OF GRANTS TO QUALIFIED LOCAL*
23 *ENTITY.*—

24 “(1) *IN GENERAL.*—With the approval of the
25 Secretary, the eligible coastal state may allocate to a

3 “(2) ASSURANCES.—A coastal state shall ensure
4 that amounts allocated by the state under paragraph
5 (1) are used by the qualified local entity in further-
6 ance of the state’s approved management program,
7 specifically furtherance of the coastal management ob-
8 jectives specified in section 303(2) and the policies of
9 this Act.

10 “(e) ASSISTANCE.—The Secretary shall assist eligible
11 coastal states and qualified local entities in identifying and
12 obtaining from other Federal agencies technical and finan-
13 cial assistance in achieving the objectives set forth in sub-
14 section (a).”.

15 **SEC. 13. TECHNICAL ASSISTANCE; RESOURCES ASSESS-**
16 **MENTS; INFORMATION SYSTEMS.**

17 (a) *IN GENERAL.*—Section 310 (16 U.S.C. 1456c) is
18 amended—

19 (1) by inserting “(1)” before “The Secretary” in
20 subsection (a);

(2) by striking “assistance” in the first sentence
in subsection (a) and inserting “assistance, tech-
nology and methodology development, training and
information transfer, resources assessment,”;

1 (3) by resetting the second and third sentences in
 2 subsection (a) as a new paragraph and inserting
 3 “(2)” before “Each”;

4 (4) by striking “and research activities” in sub-
 5 section (b)(1) and inserting “research activities, and
 6 other support services and activities”;

7 (5) by adding at the end of subsection (b)(1) the
 8 following: “The Secretary may conduct a program to
 9 develop and apply innovative coastal and estuarine
 10 environmental technology and methodology through a
 11 cooperative program, and to support the development,
 12 application, training and technical assistance, and
 13 transfer of effective coastal management practices.
 14 The Secretary may make extramural grants in car-
 15 rying out the purpose of this subsection.”;

16 (6) by adding at the end of subsection (b)(3) the
 17 following: “The Secretary shall establish regional ad-
 18 visory committees including representatives of the
 19 Governors of each state within the region, univer-
 20 sities, colleges, coastal and marine laboratories, Sea
 21 Grant College programs within the region and rep-
 22 resentatives from the private and public sector with
 23 relevant expertise. The Secretary will report to the re-
 24 gional advisory committees on activities undertaken
 25 by the Secretary and other agencies pursuant to this

1 *section, and the regional advisory committees shall*
 2 *identify research, technical assistance and informa-*
 3 *tion needs and priorities. The regional advisory com-*
 4 *mittees are not subject to the requirements of the Fed-*
 5 *eral Advisory Committee Act (5 U.S.C. App.).”; and*
 6 *(7) by adding at the end the following:*

7 *“(c)(1) The Secretary shall consult with the regional*
 8 *advisory committees concerning the development of a coast-*
 9 *al resources assessment and information program to sup-*
 10 *port development and maintenance of integrated coastal re-*
 11 *source assessments of state natural, cultural and economic*
 12 *attributes, and coastal information programs for the collec-*
 13 *tion and dissemination of data and information, product*
 14 *development, and outreach based on the needs and priorities*
 15 *of coastal and ocean managers and user groups.*

16 *“(2) The Secretary shall assist coastal states in identi-*
 17 *fying and obtaining financial and technical assistance from*
 18 *other Federal agencies and may make grants to states in*
 19 *carrying out the purpose of this section and to provide on-*
 20 *going support for state resource assessment and information*
 21 *programs.”.*

22 *(b) CONFORMING AMENDMENT.—The section heading*
 23 *for section 310 (16 U.S.C. 1456c) is amended to read as*
 24 *follows:*

1 **“SEC. 310. TECHNICAL ASSISTANCE, RESOURCES ASSESS-**
 2 **MENTS, AND INFORMATION SYSTEMS.”.**

3 **SEC. 14. PERFORMANCE REVIEW.**

4 *Section 312(a) (16 U.S.C. 1458(a)) is amended—*

5 *(1) by striking “continuing review of the per-*
 6 *formance” and inserting “periodic review, no less fre-*
 7 *quently than every 5 years, of the administration, im-*
 8 *plementation, and performance”;*

9 *(2) by striking “management.” and inserting*
 10 *“management programs.”;*

11 *(3) by striking “has implemented and enforced”*
 12 *and inserting “has effectively administered, imple-*
 13 *mented, and enforced”;*

14 *(4) by striking “addressed the coastal manage-*
 15 *ment needs identified” and inserting “furthered the*
 16 *national coastal policies and objectives set forth”; and*

17 *(5) by inserting “coordinated with National Es-*
 18 *tuarine Research Reserves in the state,” after*
 19 *“303(2)(A) through (K),”.*

20 **SEC. 15. WALTER B. JONES AWARDS.**

21 *Section 314 (16 U.S.C. 1460) is amended—*

22 *(1) by striking “shall, using sums in the Coastal*
 23 *Zone Management Fund established under section*
 24 *308” in subsection (a) and inserting “may, using*
 25 *sums available under this Act”;*

1 (2) by striking “field.” in subsection (a) and in-
 2 serting the following: “field of coastal zone manage-
 3 ment. These awards, to be known as the ‘Walter B.
 4 Jones Awards’, may include—

5 “(1) cash awards in an amount not to exceed
 6 \$5,000 each;

7 “(2) research grants; and

8 “(3) public ceremonies to acknowledge such
 9 awards.”;

10 (3) by striking “shall elect annually—” in sub-
 11 section (b) and inserting “may select annually if
 12 funds are available under subsection (a)—”; and

13 (4) by striking subsection (e).

14 **SEC. 16. NATIONAL ESTUARINE RESEARCH RESERVE SYS-**
 15 **TEM.**

16 (a) Section 315(a) (16 U.S.C. 1461(a)) is amended by
 17 striking “consists of—” and inserting “is a network of
 18 areas protected by Federal, state, and community partner-
 19 ships which promotes informed management of the Nation’s
 20 estuarine and coastal areas through interconnected pro-
 21 grams in resource stewardship, education and training,
 22 monitoring, research, and scientific understanding con-
 23 sisting of—”.

24 (b) Section 315(b)(2) ((16 U.S.C. 1461(b)(2)) is
 25 amended—

1 (1) by inserting “for each coastal state or terri-
2 tory” after “research” in subparagraph (A);

3 (2) by striking “public awareness and” in sub-
4 paragraph (C) and inserting “state coastal manage-
5 ment, public awareness, and”; and

6 (3) by striking “public education and interpreta-
7 tion; and”; in subparagraph (C) and inserting “edu-
8 cation, interpretation, training, and demonstration
9 projects; and”.

10 (c) Section 315(c) (16 U.S.C. 1461(c)) is amended—

11 (1) by striking “RESEARCH” in the subsection
12 caption and inserting “RESEARCH, EDUCATION, AND
13 RESOURCE STEWARDSHIP”;

14 (2) by striking “conduct of research” and insert-
15 ing “conduct of research, education, and resource
16 stewardship”;

17 (3) by striking “coordinated research” in para-
18 graph (1)) and inserting “coordinated research, edu-
19 cation, and resource stewardship”;

20 (4) by striking “research” after “common” in
21 paragraph (2);

22 (5) by striking “research programs” in para-
23 graph (2) and inserting “research, education, and re-
24 source stewardship programs”;

1 (6) by striking “research” after “uniform” in
2 paragraph (3);

3 (7) by striking “data,” in paragraph (3) and in-
4 serting “information,”;

5 (8) by striking “research” after “application of”
6 in paragraph (3);

7 (9) by striking “research purposes;” in para-
8 graph (3) and inserting “research, education, and re-
9 source stewardship purposes;”;

10 (10) by striking “research efforts” in paragraph
11 (4) and inserting “research, education, and resource
12 stewardship efforts”;

13 (11) by striking “research” in paragraph (5)
14 and inserting “research, education, and resource stew-
15 ardship”; and

16 (12) by striking “research” in the last sentence.

17 (d) Section 315(d) (16 U.S.C. 1461(d)) is amended—

18 (1) by striking “ESTUARINE RESEARCH.—” in
19 the subsection caption and inserting “ESTUARINE RE-
20 SEARCH, EDUCATION, AND RESOURCE STEWARD-
21 SHIP.—”;

22 (2) by striking “research purposes” and insert-
23 ing “research, education, and resource stewardship
24 purposes”;

1 (3) by striking paragraph (1) and inserting the
2 following:

3 “(1) giving reasonable priority to research, edu-
4 cation, and stewardship activities that use the System
5 in conducting or supporting activities relating to es-
6 tuaries;”;

7 (4) by striking “research.” in paragraph (2) and
8 inserting “research, education, and resource steward-
9 ship activities; and”; and

10 (5) by adding at the end thereof the following:

11 “(3) establishing partnerships with other Federal
12 and state estuarine management programs to coordi-
13 nate and collaborate on estuarine research.”.

14 (e) Section 315(e) (16 U.S.C. 1461(e)) is amended—

15 (1) by striking “reserve,” in paragraph (1)(A)(i)
16 and inserting “reserve; and”;

17 (2) by striking “and constructing appropriate
18 reserve facilities, or” in paragraph (1)(A)(ii) and in-
19 serting “including resource stewardship activities and
20 constructing reserve facilities; and”;

21 (3) by striking paragraph (1)(A)(iii);

22 (4) by striking paragraph (1)(B) and inserting
23 the following:

24 “(B) to any coastal state or public or pri-
25 vate person for purposes of—

1 “(i) supporting research and moni-
 2 toring associated with a national estuarine
 3 reserve that are consistent with the research
 4 guidelines developed under subsection (c); or
 5 “(ii) conducting educational, interpre-
 6 tive, or training activities for a national es-
 7 tuarine reserve that are consistent with the
 8 education guidelines developed under sub-
 9 section (c).”;

10 (5) by striking “therein or \$5,000,000, whichever
 11 amount is less.” in paragraph (3)(A) and inserting
 12 “therein. Non-Federal costs associated with the pur-
 13 chase of any lands and waters, or interests therein,
 14 which are incorporated into the boundaries of a re-
 15 serve up to 5 years after the costs are incurred, may
 16 be used to match the Federal share.”;

17 (6) by striking “and (iii)” in paragraph (3)(B);

18 (7) by striking “paragraph (1)(A)(iii)” in para-
 19 graph (3)(B) and inserting “paragraph (1)(B)”;

20 (8) by striking “entire System.” in paragraph
 21 (3)(B) and inserting “System as a whole.”; and

22 (9) by adding at the end thereof the following:

23 “(4) The Secretary may—

24 “(A) enter into cooperative agreements, fi-
 25 nancial agreements, grants, contracts, or other

1 *agreements with any nonprofit organization, au-*
 2 *thorizing the organization to solicit donations to*
 3 *carry out the purposes and policies of this sec-*
 4 *tion, other than general administration of re-*
 5 *serves or the System and which are consistent*
 6 *with the purposes and policies of this section;*
 7 *and*

8 *“(B) accept donations of funds and services*
 9 *for use in carrying out the purposes and policies*
 10 *of this section, other than general administration*
 11 *of reserves or the System and which are con-*
 12 *sistent with the purposes and policies of this sec-*
 13 *tion.*

14 *Donations accepted under this section shall be consid-*
 15 *ered as a gift or bequest to or for the use of the United*
 16 *States for the purpose of carrying out this section.”.*

17 *(f) Section 315(f)(1) (16 U.S.C. 1461(f)(1)) is amended*
 18 *by inserting “coordination with other state programs estab-*
 19 *lished under sections 306 and 309A,” after “including”.*

20 **SEC. 17. COASTAL ZONE MANAGEMENT REPORTS.**

21 *Section 316 (16 U.S.C. 1462) is amended—*

22 *(1) by striking “to the President for transmittal”*
 23 *in subsection (a);*

24 *(2) by striking “zone and an evaluation of the*
 25 *effectiveness of financial assistance under section 308*

1 *in dealing with such consequences;” and inserting*
 2 *“zone;” in subsection (a)(10);*

3 *(3) by inserting “education,” after “studies,” in*
 4 *subsection (a)(12);*

5 *(4) by striking “Secretary” in the first sentence*
 6 *of subsection (c)(1) and inserting “Secretary, in con-*
 7 *sultation with coastal states, and with the participa-*
 8 *tion of affected Federal agencies.”;*

9 *(5) by striking the second sentence of subsection*
 10 *(c)(1) and inserting the following: “The Secretary, in*
 11 *conducting such a review, shall coordinate with, and*
 12 *obtain the views of, appropriate Federal agencies.”;*

13 *(6) by striking “shall promptly” in subsection*
 14 *(c)(2) and inserting “shall, within 4 years after the*
 15 *date of enactment of the Coastal Zone Enhancement*
 16 *Reauthorization Act of 2005,”; and*

17 *(7) by adding at the end of subsection (c)(2) the*
 18 *following: “If sufficient funds and resources are not*
 19 *available to conduct such a review, the Secretary shall*
 20 *so notify the Congress.”.*

21 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

22 *Section 318 (16 U.S.C. 1464) is amended—*

23 *(1) by striking paragraphs (1) and (2) of sub-*
 24 *section (a) and inserting the following:*

1 “(1) for grants under sections 306, 306A, and
2 309—

3 “(A) \$90,500,000 for fiscal year 2006,

4 “(B) \$94,000,000 for fiscal year 2007,

5 “(C) \$98,000,000 for fiscal year 2008,

6 “(D) \$102,000,000 for fiscal year 2009, and

7 “(E) \$106,000,000 for fiscal year 2010;

8 “(2) for grants under section 309A—

9 “(A) \$29,000,000 for fiscal year 2006,

10 “(B) \$30,000,000 for fiscal year 2007,

11 “(C) \$31,000,000 for fiscal year 2008,

12 “(D) \$32,000,000 for fiscal year 2009, and

13 “(E) \$32,000,000 for fiscal year 2010,

14 *of which \$10,000,000, or 35 percent, whichever is less,*

15 *shall be for purposes set forth in section 309A(a)(5);*

16 “(3) for grants under section 315—

17 “(A) \$37,000,000 for fiscal year 2006,

18 “(B) \$38,000,000 for fiscal year 2007,

19 “(C) \$39,000,000 for fiscal year 2008,

20 “(D) \$40,000,000 for fiscal year 2009, and

21 “(E) \$41,000,000 for fiscal year 2010,

22 *of which up to \$15,000,000 may be used by the Sec-*

23 *retary in each of fiscal years 2006 through 2010 for*

24 *grants to fund construction and acquisition projects*

25 *at estuarine reserves designated under section 315;*

1 “(4) for costs associated with administering this
 2 title, \$7,500,000 for fiscal year 2006, \$7,750,000 for
 3 fiscal year 2007, \$8,000,000 for fiscal year 2008,
 4 \$8,250,000, for fiscal year 2009, and \$8,500,000 for
 5 fiscal year 2010; and

6 “(5) for grants under section 310 to support
 7 State pilot projects to implement resource assessment
 8 and information programs, \$6,000,000 for each of fis-
 9 cal years 2006 and 2007.”;

10 (2) by striking “306 or 309.” in subsection (b)
 11 and inserting “306.”;

12 (3) by striking “during the fiscal year, or during
 13 the second fiscal year after the fiscal year, for which”
 14 in subsection (c) and inserting “within 3 years from
 15 when”;

16 (4) by striking “under the section for such re-
 17 verted amount was originally made available.” in
 18 subsection (c) and inserting “to states under this
 19 Act.”; and

20 (5) by adding at the end thereof the following:

21 “(d) *PURCHASE OF OTHERWISE UNAVAILABLE FED-*
 22 *ERAL PRODUCTS AND SERVICES.—Federal funds allocated*
 23 *under this title may be used by grantees to purchase Federal*
 24 *products and services not otherwise available.*

1 “(e) *RESTRICTIONS ON USE OF AMOUNTS.*—*Except for*
 2 *funds appropriated under subsection (a)(4), amounts ap-*
 3 *propriated under this section shall be available only for*
 4 *grants to States and shall not be available for other pro-*
 5 *gram, administrative, or overhead costs of the National Oce-*
 6 *anic and Atmospheric Administration or the Department*
 7 *of Commerce.*”.

8 **SEC. 19. DEADLINE FOR DECISION ON APPEALS OF CON-**
 9 **SISTENCY DETERMINATION.**

10 (a) *IN GENERAL.*—Section 319 (16 U.S.C. 1465) is
 11 *amended to read as follows:*

12 **“SEC. 319. APPEALS TO THE SECRETARY.**

13 “(a) *NOTICE.*—*Not later than 30 days after the date*
 14 *of the filing of an appeal to the Secretary of a consistency*
 15 *determination under section 307, the Secretary shall pub-*
 16 *lish an initial notice in the Federal Register.*

17 “(b) *CLOSURE OF RECORD.*—

18 “(1) *IN GENERAL.*—*Not later than the end of the*
 19 *270-day period beginning on the date of publication*
 20 *of an initial notice under subsection (a), except as*
 21 *provided in paragraph (3), the Secretary shall imme-*
 22 *diately close the decision record and receive no more*
 23 *filings on the appeal.*

24 “(2) *NOTICE.*—*After closing the administrative*
 25 *record, the Secretary shall immediately publish a no-*

1 *tice in the Federal Register that the administrative*
 2 *record has been closed.*

3 “(3) *EXCEPTION.—*

4 “(A) *IN GENERAL.—*Subject to subpara-
 5 *graph (B), during the 270-day period described*
 6 *in paragraph (1), the Secretary may stay the*
 7 *closing of the decision record—*

8 “(i) *for a specific period mutually*
 9 *agreed to in writing by the appellant and*
 10 *the State agency; or*

11 “(ii) *as the Secretary determines nec-*
 12 *essary to receive, on an expedited basis—*

13 “(I) *any supplemental informa-*
 14 *tion specifically requested by the Sec-*
 15 *retary to complete a consistency review*
 16 *under this Act; or*

17 “(II) *any clarifying information*
 18 *submitted by a party to the proceeding*
 19 *related to information already existing*
 20 *in the sole record.*

21 “(B) *APPLICABILITY.—*The Secretary may
 22 *only stay the 270-day period described in para-*
 23 *graph (1) once and for a period not to exceed 60*
 24 *days.*

25 “(c) *DEADLINE FOR DECISION.—*

1 “(1) *IN GENERAL.*—Not later than 90 days after
 2 the date of publication of a *Federal Register* notice
 3 stating when the decision record for an appeal has
 4 been closed, the Secretary shall issue a decision or
 5 publish a notice in the *Federal Register* explaining
 6 why a decision cannot be issued at that time.

7 “(2) *SUBSEQUENT DECISION.*—Not later than 45
 8 days after the date of publication of a *Federal Reg-*
 9 *ister* notice explaining why a decision cannot be
 10 issued within the 90-day period, the Secretary shall
 11 issue a decision.”.

12 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 13 section (a) applies with respect to appeals under subsection
 14 (c) or (d) of section 307 of the *Coastal Zone Management*
 15 *Act of 1972* (16 U.S.C. 1456) filed after the date of enact-
 16 ment of this Act.

17 (c) *SPECIAL RULE FOR APPEALS FILED ON OR BE-*
 18 *FORE DATE OF ENACTMENT.*—The Secretary of Com-
 19 merce—

20 (1) shall close the administrative record for any
 21 appeal under subsection (c) or (d) of section 307 of
 22 the *Coastal Zone Management Act of 1972* (16 U.S.C.
 23 1456) that was filed on or before the date of enact-
 24 ment of this Act within 180 days after such date of
 25 enactment but not earlier than December 31, 2006;

1 (2) *may not receive any additional filing with*
 2 *respect to such an appeal; and*

3 (3) *shall issue a decision on the appeal within*
 4 *90 days after closing the administrative record.*

5 **SEC. 20. COORDINATION WITH FEDERAL ENERGY REGU-**
 6 **LATORY COMMISSION.**

7 *Within 180 days after the date of enactment of this*
 8 *Act, the Secretary of Commerce shall submit a report to*
 9 *the Congress on the development of a memorandum of un-*
 10 *derstanding with the Commissioner of the Federal Energy*
 11 *Regulatory Commission for a coordinated process for review*
 12 *of coastal energy activities that provides for—*

13 (1) *improved coordination among Federal, re-*
 14 *gional, State, and local agencies concerned with con-*
 15 *ducting reviews under the Coastal Zone Management*
 16 *Act of 1972 (16 U.S.C. 1451 et seq.); and*

17 (2) *coordinated schedules for such reviews that*
 18 *ensures that, where appropriate, the reviews are per-*
 19 *formed concurrently.*

Calendar No. 211

109TH CONGRESS
1ST Session

S. 360

[Report No. 109-137]

A BILL

To amend the Coastal Zone Management Act.

SEPTEMBER 15, 2005

Reported with an amendment